

**UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT**

VERMONT FEDERATION OF SPORTSMEN'S  
CLUBS,

POWDERHORN OUTDOOR SPORTS CENTER,  
INC.,

JPC, INC. (D/B/A BLACK DOG SHOOTING  
SUPPLIES),

PAUL DAME, and

MARSHA J. THOMPSON

Plaintiffs,

v.

MATTHEW BIRMINGHAM, Director of the  
Vermont State Police, in his Official and Personal  
Capacities,

CHARITY CLARK, Attorney General of the State of  
Vermont, in her Official and Personal Capacities, and

SARAH GEORGE, State's Attorney for Chittenden  
County, in her Official and Personal Capacities,

Defendants.

Civil Case No. 2:23-cv-00710

**DEFENDANTS' UNOPPOSED MOTION TO EXTEND TIME FOR  
RULE 26(f) CONFERENCE AND FILING OF DISCOVERY SCHEDULE**

Defendants ask that the Court extend the deadline for the parties to confer on a discovery schedule pending a ruling on Defendants' motion to consolidate Plaintiffs' preliminary injunction motion with the merits (Doc. 14). Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26(a), the parties are required to file a proposed Discovery Schedule by February 5 and to confer regarding discovery planning and the schedule 21 days prior to February 5 (January 15). The parties have

communicated regarding Defendants' motion to consolidate the preliminary injunction and the merits and have also agreed on a deadline for initial disclosures. *See* Docs. 14-1, 14-2. At this point, however, because the parties disagree about consolidation, further discussion of a proposed discovery schedule is unlikely to be productive until the Court rules on the pending motion. And given the nature of the case, other matters such as ESI protocols and/or a protective order do not appear to be significant topics for discussion.

Defendants accordingly request that the Court extend the parties' deadline for a Rule 26(f) conference, and potentially the deadline for filing a proposed discovery schedule, as follows: order the parties to conduct a Rule 26(f) conference and file a proposed discovery order no later than 10 calendar days after the Court rules on Defendants' Motion for Extension of Time and for Court to Direct Entry of Scheduling Order Consolidating Plaintiffs' Preliminary Injunction Motion With the Merits (Doc. 14). That timing allows the parties to hold a Rule 26(f) conference when it will be productive and efficient to do so, while ensuring that the parties act promptly to confer about and propose a schedule consistent with the Court's decision on the motion.

### **CONCLUSION**

For the reasons given above, Defendants respectfully request that the Court grant this motion, extend the deadline for the parties' Rule 26(f) conference, and direct that the parties conduct a Rule 26(f) conference and file a proposed discovery order no later than 10 calendar days after the Court rules on Defendants' pending motion (Doc. 14).

### **LOCAL RULE 7(a)(7) CERTIFICATION**

The undersigned certifies that counsel for Defendants and counsel for Plaintiffs communicated in good faith on January 23, 2024 regarding Plaintiffs' position on the relief sought in the above motion. Counsel for Plaintiffs advised that they take no position on the motion.

Dated: January 24, 2024

Respectfully Submitted,

/s/ David R. Groff

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